

Calendar No. 1234

68TH CONGRESS }
2d Session }

SENATE

{ REPORT
No. 1165

FOR THE RELIEF OF STEPHEN A. FARRELL

FEBRUARY 17 (calendar day, FEBRUARY 18), 1925.—Ordered to be printed

Mr. COPELAND, from the Committee on Naval Affairs, submitted the following

REPORT

[To accompany S. 4106]

The Committee on Naval Affairs, to whom was referred the bill (S. 4106) for the relief of Stephen A. Farrell, having had the same under consideration, report favorably thereon with an amendment and as amended recommend that the bill do pass.

In line 10, after the word "act," strike out the period, insert a colon, and add the following:

Provided, That a duly constituted naval retiring board finds that the said Stephen A. Farrell incurred physical disability incident to the service in time of war: *Provided further*, That no back pay, allowances, or emoluments shall become due as a result of the passage of this act.

Stephen A. Farrell enlisted in the Navy July 18, 1899, as a naval apprentice and served continuously in the various ratings from third-class boy to lieutenant.

On June 29, 1922, he was retired as a chief gunner on account of physical disability incurred in line of duty in time of war.

He served in the Spanish War on board the U. S. S. *Iowa* with (Fighting Bob) Capt. Robley D. Evans, and participated in the bombardment of San Juan, P. R., under Admiral Samson; the bombardment of Santiago de Cuba under Admiral Schley, and the Battle of Santiago, where the Spanish Fleet, under Admiral Cervera, was destroyed.

During the World War he served overseas in naval aviation as a lieutenant. He was given temporary rank as an ensign, lieutenant (junior grade), and lieutenant.

While on duty at the naval air station, Rockaway Beach, N. Y., on December 13, 1920, he was detailed with two other lieutenants to make a free balloon flight. While flying at night, their balloon was blown over the inhabited area of Canada and landed in the Canadian woods near Hudson Bay. After a very trying experience they finally got back to civilization.

Lieutenant Farrell's health broke down and he suffered a nervous breakdown. He applied for retirement in September, 1921, in accordance with the law of July 12, 1921, which provides that temporary officers injured in the line of duty in time of war (April 6, 1917, to

March 3, 1921) may be retired with their temporary rank provided they apply for retirement before October 1, 1921.

Farrell was surveyed by a medical board and ordered before a retiring board November, 1921. The retiring board recommended six months' sick leave; after the sick leave expired he was again ordered before a retiring board and recommended for retirement.

He was placed upon the retired list June 29, 1922, as a chief gunner. Chief Gunner Farrell served over a quarter of a century in the naval service and has an excellent record.

The law of July 12, 1921, was designed to allow temporary officers to be retired with their temporary rank. Farrell was simply unfortunate. He was demoted from lieutenant to chief gunner on December 31, 1921, while his case was being adjusted by the naval authorities.

It seems only fair and just that this officer be given the rank which he earned by long and faithful service.

The following letter from the Secretary of the Navy, dated February 7, 1925, gives the facts in Mr. Farrell's case, as follows:

DEPARTMENT OF THE NAVY,
OFFICE OF THE SECRETARY,
Washington, February 7, 1925.

The CHAIRMAN COMMITTEE ON NAVAL AFFAIRS,
United States Senate.

MY DEAR MR. CHAIRMAN: Replying to the committee's indorsement of January 28, 1925, on the bill (S. 4106) for the relief of Stephen A. Farrell, wherein the views of the Navy Department are requested relative to this measure, I have the honor to inform you as follows:

The purpose of this bill is to authorize the President of the United States to advance Stephen A. Farrell to the grade of lieutenant on the retired list of the Navy with the retired pay of that rank from the date of approval of this proposed legislation.

The records in this case show that Chief Gunner Stephen A. Farrell (retired), while holding the temporary rank of lieutenant, United States Navy, submitted an application for retirement for physical disability prior to October 1, 1921. He was subsequently found by a naval retiring board to be suffering from psychasthenia and the naval retiring board recommended that he be granted six months sick leave. The findings and recommendation of said board were approved by the President on November 25, 1921. Chief Gunner Farrell again appeared before two naval retiring boards, first, on December 29, 1921, and, second, on February 15, 1922, and the latter boards submitted the same findings and recommendations as the first board did in this case.

On January 15, 1922, Chief Gunner Farrell appeared before a fourth naval retiring board and was found to be incapacitated for service by reason of neurasthenia, contracted in the line of duty. As a result of the findings of the fourth naval retiring board he was transferred to the retired list in the grade of chief gunner on June 29, 1922, in accordance with the provisions of section 1453, U. S. Revised Statutes, his temporary appointment as a lieutenant having terminated on December 21, 1921, by operation of law.

Section 9 of the naval omnibus bill (H. R. 4086) provides as follows:

"That any officer of the Regular Navy who has been retired since December 31, 1921, by reason of physical disability which originated in the line of duty at any time between April 6, 1917, and March 3, 1921, inclusive, while holding higher temporary rank, shall be advanced on the retired list to, or shall be placed on the retired list in, such higher grade or rank."

Should the above quoted section of the department's omnibus bill (H. R. 4086) be enacted, Chief Gunner Farrell would be accorded an opportunity to present all facts in his case before a retiring board convened in accordance with said section 9.

In view of the above, and the further fact that this proposed legislation is individual in character and not for the general good of the naval service, the department recommends that S. 4106 be not enacted.

Sincerely yours,

CURTIS D. WILBUR,
Secretary of the Navy.